

PROCEDURE FOR OBTAINING A VARIANCE BOARD OF ZONING APPEALS

I. GENERAL INFORMATION

- A. The procedure for obtaining a variance to the district zoning regulations takes approximately forty (40) days.
- B. The Board of Zoning Appeals is the official Board for review and approval of a variance.
- C. Variances are limited only to those authorized in the Board of Zoning Appeals section of the Zoning Ordinance.
- D. To qualify for a variance, you must first prepare a plan for your proposed structure and submit it to the Building Official. If the Building Official finds that your proposed structure does not conform to yard or height regulations, he/she will refuse to issue a building permit. The refusal of the building permit, on the ground that the proposed structure does not comply with the Zoning Ordinance, will authorize you to make an application for a variance.
- E. The application for a variance must be filed on the form furnished and approved by the Planning and Zoning Commission.
- F. A One Hundred and Twenty Dollars (\$125.00) filing fee must accompany your application for a variance.

II. PROCEDURE FOR FILING AND REVIEW

- A. The completed application, a certified list of property owners within 200 feet of the property and the One Hundred and Twenty Dollars (\$125.00) filing fee must be submitted to the Building Official's office not less than thirty (30) days before the Board of Zoning Appeals public hearing.
- B. The sketch, which is a part of the application, shall be prepared by the applicant and must show:
 - 1. Location of the proposed structure on the lot;
 - 2. Measurements from the property line; and
 - 3. Distance between the proposed structure and structures on adjacent lots in the block.
- C. At the public hearing, the following procedure will be observed:
 - 1. All presentations, remarks, questions, etc. shall be addressed to the Board of Zoning Appeals.
 - 2. The applicant and those favoring the variance will be heard first.
 - 3. Those in opposition will be heard second.
 - 4. Each side will be given an opportunity for rebuttal.
- D. At the conclusion of the hearing, the Board of Zoning Appeals will take the matter under advisement. This is necessary because the Board must consider all material presented, make a finding of fact and then take action.
- E. Within five (5) days after the public hearing, the Board of Zoning Appeals will notify you, by letter, of action taken on your request. The Board will also notify the Building Official and Planning and Zoning Commission of its action.
- F. If your request is approved, the Building Official will be authorized and instructed to issue you a building permit.
- G. Any person, official or government agency dissatisfied with any order of determination of the Board of Zoning Appeals may bring action in the District Court of the County to determine the reasonableness of such order or determination.

<p>VARIANCE APPLICATION TO THE DISTRICT ZONING REGULATIONS BOARD OF ZONING APPEALS</p>	<p>FOR OFFICIAL USE ONLY</p> <p>1. Case No. _____ 2. Date Filed _____ 3. Date Fee Paid _____ 4. Date of Hearing _____ 5. Date Published _____</p>
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(TO BE COMPLETED BY THE APPLICANT)

1. Applicant's Name _____
2. Applicant's Address _____ Phone _____
3. Address of Property Affected _____
4. Legal Description of Property _____

5. Applicant's Interest in the Property _____
6. Nature of variance requested _____

7. Attach a sketch of the proposed variance.

(Date)

(Signature of Applicant)

(DO NOT WRITE IN THIS SPACE)

BOARD OF ZONING APPEALS

1. Action by the Board. (Approve, Disapprove)
2. Restrictions Imposed: _____

(THIS FORM MUST BE FILLED OUT TO ACCOMPANY ALL VARIANCE APPLICATIONS MADE TO THE BOARD OF ZONING APPEALS AND ALL REZONING AND CONDITIONAL USE APPLICATIONS MADE TO THE PLANNING AND ZONING COMMISSION)

1. The following are the names and home addresses of all persons owning property within 200 feet of the outside boundary of the property for which the request is being made:

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(ATTACH SHEET IF FORM NOT SUFFICIENT)

Applicant

Zoning/Variance Requirements

1. We will need a copy of the application from the City/County
2. We will need and copy of the current Deed of recorded for the legal Description being zoned

Or

A Certified Survey with Legal Description of the property being zoned.